

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EXPERIENCE HENDRIX, L.L.C., et al.,

Plaintiffs,

v.

HENDRIXLICENSING.COM, LTD, et al.,

Defendants.

C09-285Z

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Defendants' motions in limine, docket no. 112, are GRANTED in part, DEFERRED in part, and DENIED in part as follows:

(a) Defendants' motion to exclude the testimony of Robert F. Cissel is GRANTED. Mr. Cissel will not be allowed to testify as an expert witness at trial. The Court will instruct the jury concerning the law.

(b) Defendants' motion to exclude the testimony of Richard F. Yalch, Ph.D. is GRANTED in part and DEFERRED in part. Dr. Yalch will not be permitted to testify about the "Jimi Hendrix brand," which was described in his report as encompassing song titles and/or lyrics and images of Jimi Hendrix, and he may not offer any opinion suggesting that plaintiffs have a right to control or prevent the dissemination of Jimi Hendrix's image, whether in "wholesome," "drug-associat[ed]," or other form. The Court DEFERS ruling on whether Dr. Yalch will be allowed to testify about damages or any other matter. Plaintiffs are DIRECTED to file, by noon on Friday, April 22, 2011, an offer of proof concerning what testimony Dr. Yalch is anticipated to provide that is consistent with both his report and the Court's rulings in this case.

(c) Defendants' motions in limine are otherwise DENIED.

1 (2) Plaintiffs' motions in limine, docket no. 111, are GRANTED in part and
2 DENIED in part as follows:

3 (a) Plaintiffs' uncontested motions in limine (motions nos. 4, 5, 6, 7, and 8)
4 are GRANTED.

5 (b) Plaintiffs' motions in limine to exclude evidence about products
6 licensed or sold by other companies owned by defendant Andrew Pitsicalis and to exclude
7 evidence concerning hypothetical products or "mock ups" that were not actually sold or
8 licensed are GRANTED.

9 (c) Plaintiffs' motion to preclude testimony concerning their lack of
10 "publicity" or "personality" rights is DENIED. Such evidence is relevant to whether
11 plaintiffs can establish the unfair or deceptive act or practice and causation elements of their
12 claim under Washington's Consumer Protection Act.

13 (3) The Clerk is directed to send a copy of this Minute Order to all counsel of
14 record.

15 Filed and entered this 19th day of April, 2011.

16 WILLIAM M. McCOOL, Clerk

17 s/ Claudia Hawney
18 By _____
19 Claudia Hawney
20 Deputy Clerk
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